

MISC. CIVIL APPLICATION NO. 1098 OF 1989.

Date of decision: 11.12.1995

For approval and signature

The Honourable Mr. Justice S. M. Soni

and

The Honourable Mr. Justice R. R. Jain

Mr. N.R. Shahani, advocate for petitioner.

Mr. K.M. Patel, advocate for respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S.M. Soni & R.R. Jain, JJ.

-----

December 11, 1995.

Oral judgment (Per Soni, J.)

Petitioner Union has alleged non-compliance of the direction issued by this Court in Special Civil Application No.1449 of 1989, by the respondents. Noncompliance is alleged in the sense that despite the pendency of conciliation, respondents have issued one pamphlet, Annexure B. Union's demand before the Conciliator to make reference was pending and this Court (Coram: S.B. Majmudar & J.U. Mehta, JJ.) ordered as under:

"....In that view of the matter, only proper order which can be passed in this proceeding is to direct thee Conciliator who is Assistant Commissioner of Labour , Bharuch to complete the conciliation proceedings in connection the aforesaid Charter of Demands within three weeks from today."

This direction has nothing to do with the pamphlet issued and the issuance of pamphlet, in our opinion, cannot be said to be in defiance of the direction given by this court. Thus, there is no defiance muchless wilful of the direction given by this court. Thus, the case of the petitioner does not fall within the scope of clause (b) of Section 10 of the Contempt of Courts Act. Hence, the petition is not maintainable and deserves to be dismissed.

In the result, the petition is dismissed. Rule discharged. No order as to costs.